

Agency 56
State of Kansas
Office of the Adjutant General

Articles

- 56-1. ARMORIES.
- 56-2. STANDARDS FOR LOCAL DISASTER AGENCIES.
- 56-3. NUCLEAR EMERGENCY PREPAREDNESS FEES.

Article 1.—ARMORIES

56-1-1. Definitions. (a) “Armory” means any armory property deeded to the Kansas military advisory board; any armory property licensed, leased, or rented from an agency within the state; and any armory property licensed from a federal military agency permitted by chapter 133, title 10, U.S.C.A.

(b) “State military” means any unit of the Kansas national guard or when organized, any state guard unit, or both, provided by K.S.A. 48-204 and K.S.A. 48-501.

(c) “State military use of the armory” means the common practice of a Kansas national guard unit or, when organized, a state guard unit using the armory for training that is permitted by state and federal military law. It shall include two other state military uses:

(1) Any activity that is compatible with any unit morale program;

(2) Any activity that results from a natural or manmade disaster emergency under provisions of K.S.A. 48-907.

(d) “Station commander” means any commissioned officer in the Kansas national guard who has been appointed by the adjutant general to manage an armory operation.

(e) “Use of armories for other public functions” shall include activities of non-profit organizations or noncommercial activities. (Authorized by K.S.A. 48-907, L. 1982, ch. 225; implementing K.S.A. 48-324, 48-907, K.S.A. 1982 Supp. 48-301, 48-309; effective May 1, 1983.)

56-1-2. Armory purpose and funding. (a) Purpose.

- (1) Each unit shall use the armory for:

- (A) An assembly area;
- (B) state military training provided for by federal and state military law;
- (C) storage and security of property and equipment; and
- (D) other state military unit activity.

(2) Each armory shall be utilized to the fullest extent possible that is compatible with each Kansas national guard unit activity provided by state and federal military law.

(3) Any person may be temporarily housed in any armory when the governor or the governor’s authorized agent has declared a natural or man-made disaster emergency.

(4) The state guard, when organized, may use any armory.

(b) Funding.

Any operational cost associated with use of any armory for a public function shall be reimbursed by one or more contractual means as follows:

- (1) Cash;
- (2) equipment;
- (3) services;
- (4) goods;
- (5) any other item or items of value. (Authorized by K.S.A. 1982 Supp. 48-301; implementing K.S.A. 48-206, K.S.A. 1982 Supp. 48-301, 48-309, 48-324, K.S.A. 48-504, 48-907; effective May 1, 1983; amended May 1, 1984.)

56-1-3. Policies. (a) Written copies of all armory related orders and rules, and of K.A.R. 56-1-1, *et seq.*, shall be furnished in writing to any person, community or government agency upon request.

(b) Any person, community or government agency, and any Kansas national guard unit or,

when organized, any state guard unit that uses any armory shall comply with the alcoholic beverage laws provided for by K.S.A. 41-719.

(c) Any state military use of the armory shall take precedence over any other use of the armory. (Authorized by K.S.A. 48-907, L. 1982, ch. 225; implementing K.S.A. 48-304, 48-504, K.S.A. 1982 Supp. 48-301; effective May 1, 1983.)

56-1-4. Responsibilities. (a) Each person or government agency shall:

(1) Submit to the station commander a completed application form or a written request for temporary use of the armory;

(2) Submit a completed application form or a written request for regular use of the armory to the adjutant general's office in the State Defense Building, 2800 Topeka Avenue. This shall include any request for pre-school use of any armory located in any city pursuant to K.S.A. 1982 Supp. 48-324;

(3) Meet each requirement listed in the agreement or contract for use of any armory.

(b) Each station commander shall:

(1) Plan, procure, and manage the use of any fund, equipment, good, or service or any other item of value which the armory may receive for its use;

(2) Publish supplemental armory policy and procedure that is consistent with each adjutant general policy, city ordinance, county resolution, lawful business practice, and state and federal military law. The station commander shall forward to the adjutant general a copy of each publication;

(3) Approve each request for temporary use of the armory if that use is for a public function as defined in K.A.R. 56-1-1;

(4) Meet each requirement listed in the agreement or contract for use of the armory;

(5) Forward to the adjutant general any requests for:

(A) Temporary use of the armory when that use is not granted;

(B) any regular use of the armory. The station commander shall include an appropriate recommendation with each request;

(C) a determination as to whether a proposed temporary use of the armory constitutes a public function as defined in K.A.R. 56-1-1;

(6) Submit annually, or more often if needed, to the adjutant general, an armory income statement and any other financial management report required by the adjutant general. The statement

and any other required report shall include any item of value used or expected to be received in an armory operation. All cash receipts shall be reported; and

(7) Establish and maintain permanent records on use of the armory.

(d) Each unit administrator shall:

(1) Administer and manage daily unit and armory operations;

(2) Exercise the responsibilities of the station commander listed in subsection (b) when the station commander is not available for duty;

(3) Open the armory for temporary use by any person when a natural or manmade disaster emergency has been declared by the governor or the governor's authorized agent. "Unit administrator" shall mean any qualified person appointed by the adjutant general who is:

(A) A federal employee under the provisions of title 32, U.S.C.A.; or

(B) both a member of the Kansas national guard and a state unclassified employee. (Authorized by K.S.A. 1982 Supp. 48-301, K.S.A. 48-907; implementing K.S.A. 48-204, K.S.A. 1982 Supp. 48-301, 48-309, 48-324, K.S.A. 48-504, 48-907; effective May 1, 1983; amended May 1, 1984.)

56-1-5. Variance. If exceptional circumstances make strict conformity with K.A.R. 56-1, *et seq.*, impractical or not feasible, any person, community, or government agency may submit a written request to the adjutant general for an exception. The military advisory board may be given the opportunity to review the request and make appropriate recommendations to the adjutant general. The adjutant general may grant an exception in the interest of public health, safety, and welfare. (Authorized by K.S.A. 48-907, K.S.A. 1982 Supp. 48-301; implementing K.S.A. 48-204, 48-304, 48-907, L. 1982, ch. 225; effective May 1, 1983.)

56-1-6. Enforcement. (a) Any person or government agency violating any of these regulations or armory rules and procedures may be expelled and ejected from the armory.

(b) Any dispute concerning applicant rights or obligations under the rental or lease agreement or concerning any decision made by the adjutant general shall be submitted to the military advisory board. The decision of the board shall be final and binding on all parties. (Authorized by K.S.A. 48-204, K.S.A. 48-205, K.S.A. 1982 Supp. 48-301, K.S.A. 48-304; implementing K.S.A. 48-204,

K.S.A. 1982 Supp. 48-301, K.S.A. 48-304; effective May 1, 1983; amended May 1, 1984.)

Article 2.—STANDARDS FOR LOCAL DISASTER AGENCIES

56-2-1. Definitions. (a) “Local disaster agency” means any county disaster agency established as required by K.S.A. 48-929(a), any city disaster agency required by the governor under K.S.A. 48-929(b) and any interjurisdictional disaster agency ordered by the governor under K.S.A. 48-930.

(b) “Division” means the division of emergency preparedness within the adjutant general’s department as established in K.S.A. 48-905.

(c) “Coordinator” means the disaster agency head appointed as required by K.S.A. 48-929(c), regardless of official local title. (Authorized by K.S.A. 48-907; and implementing K.S.A. 48-929; effective Jan. 3, 1994.)

56-2-2. Standards for local disaster agencies. Each local jurisdiction shall establish and provide to the division a copy of the following items.

(a) An ordinance or resolution by the local governing body shall be established and provided to the division which:

(1) Establishes a disaster agency as required by K.S.A. 48-929 or 48-930;

(2) provides for an appointed coordinator to head the agency;

(3) outlines the general authority of the agency before, during and after a disaster emergency;

(4) outlines the basic functions of the agency which, at a minimum, shall include the following:

(A) Coordination of response and recovery activities during and following a disaster emergency;

(B) development and maintenance of a local hazard analysis;

(C) development of a local emergency planning program and maintenance of an all-hazard emergency operations plan;

(D) the implementation of a local technological hazards program which includes participation on the local emergency planning committee as provided for in K.S.A. 65-5703 and the development and coordination of a radiological protection system;

(E) development and maintenance of an active public education program, both through direct public presentations and contacts with the local news media;

(F) development and coordination of a local exercise program to test the capability of the jurisdiction to implement the emergency operations plan;

(G) development and coordination of a local emergency preparedness training program;

(H) development and coordination of local hazard warning and notification systems;

(I) coordination of all requests for assistance from other jurisdictions, and the state and federal governments during a disaster emergency;

(J) identification of mitigation of actions necessary to prevent hazards or to lessen their impact; and

(K) advice and assistance to the local governing body in preparation of emergency declarations under K.S.A. 48-932;

(5) sets forth the support to be provided to the agency, which, at a minimum shall include the following:

(A) Jurisdiction-provided office space and clerical support sufficient to perform the required emergency preparedness functions;

(B) jurisdiction-provided transportation or reimbursement for private transportation used for official duties;

(C) jurisdiction-provided portable radio, pager, cellular telephone or other communications arrangement for 24-hour a day notification of the disaster agency; and

(D) designation of one or more persons to act as an alternate disaster agency head when coordinator is not available; and

(6) requires all other agencies and employees of the jurisdiction to cooperate with the disaster agency in all matters pertaining to emergency preparedness.

(b) A position description for the coordinator shall be established and provided to the division which:

(1) Outlines required duties and responsibilities of the position;

(2) establishes the requirements for selection to and continued employment in the position, which, at a minimum, shall include the following qualifications. Each coordinator shall:

(A) possess a valid driver’s license;

(B) possess a high school diploma or equivalent;

(C) be available to work a variety of hours and be physically able to respond to disaster emergencies;

(D) be available to travel to attend training

courses and emergency preparedness conferences;

(E) have skills to organize and coordinate activities of other persons;

(F) have the ability to understand and work with state and federal regulations pertaining to emergency preparedness, hazardous materials and radiological protection;

(G) have the ability to work without direct supervision; and

(H) obtain, within 24 months of appointment, and maintain certification as an emergency manager from an association or institution identified on a list, published by the division, of recognized certifying entities.

(3) specifies the number of hours per week to be spent on emergency preparedness duties; and

(4) sets forth the salary range of the position.

(c) Official written notification within 10 working days of any changes to the resolution, ordinance or job description and of any change of disaster agency head shall be provided to the division.

(d) Quarterly activity reports, as stipulated by the division, shall be provided, addressing emergency preparedness activities performed by the disaster agency. The reports shall include, but not be limited to, the actions taken to perform the functions outlined in paragraph (a) (4) of this regulation.

(e) Annually, at a time specified by the division, statements of local emergency preparedness goals, anticipated work and requested state and federal assistance for the next federal fiscal year shall be provided to the division. (Authorized by K.S.A. 48-907; and implementing K.S.A. 48-929; effective Jan. 3, 1994.)

Article 3.—NUCLEAR EMERGENCY PREPAREDNESS FEES

56-3-1. Definitions. As used in article 2 of these regulations: (a) “Act” means the Kansas nuclear safety emergency preparedness act, as established by L. 1993, Chap. 113, Section 1.

(b) “Adjutant general” is the adjutant general of Kansas.

(c) “Fiscal year” means the state of Kansas fiscal year, which is July 1 to June 30.

(d) “Fund” means the nuclear safety emergency preparedness fee fund.

(e) “KDEP” means the Kansas division of

emergency preparedness in the adjutant general’s department.

(f) “Producer” means any person engaged in the production of electricity through the utilization of nuclear energy at a nuclear facility and responsible for fee payment.

(g) “State and local government agencies” means state agencies which have duties under the state of Kansas emergency operations plan, and annexes and appendices, and county governments which are required to have emergency operations plans because they are in emergency planning zones of nuclear facilities. (Authorized by and implementing L. 1993, Chap. 113, Sec. 4; effective, T-56-1-19-94, Jan. 19, 1994; effective March 7, 1994.)

56-3-2. Nuclear safety emergency preparedness fee fund. (a) Each producer shall pay an annual fee to the adjutant general to cover the costs incurred by state and local government agencies to establish, maintain, and implement appropriate emergency preparedness plans and programs required to respond to an emergency at a nuclear facility. The fee shall include the costs of administering this act.

(b) Fee payments shall be made in accordance with the following requirements.

(1) The annual fee payment shall equal the total annual fee approved by the adjutant general pursuant to K.A.R. 56-3-5 as determined to apply to any specific nuclear facility.

(2) On or before June 1 of the fiscal year preceding the fiscal year for which the fee applies, the producer shall be notified by the adjutant general of the amount of the annual fee.

(3) Fee payment shall be made within 30 days of receipt of written notification from the adjutant general of the annual fee, or by July 1, whichever date is earlier.

(4) The fee payment shall be made by check, draft, money order, or electronic means payable to the adjutant general. (Authorized by and implementing L. 1993, Chap. 113, Sec. 3; effective, T-56-1-19-94, Jan. 19, 1994; effective March 7, 1994.)

56-3-3. Disbursements. Any state or local government agency that incurs expenses related to nuclear emergency preparedness may apply to the adjutant general for disbursements to pay for expenses subject to the following limitations.

(a) Each request for disbursement shall com-

ply with the procedural requirements of K.A.R. 56-3-4.

(b) Expenses for which disbursement is sought shall be related to the responsibilities assigned to a particular state or local government agency by the state of Kansas emergency operations plan, including annexes and appendices, or county emergency operations plans for emergency actions in the event of an emergency at a nuclear facility.

(c) Expenses eligible for disbursement may include all reasonable costs associated with:

(1) salaries of state or local government agency personnel for time spent on nuclear emergency preparedness planning, exercises, drills, or training;

(2) nuclear emergency training including per diem, lodging, transportation, facility use fees, and training costs;

(3) documenting, printing, and copying nuclear emergency preparedness planning and training materials;

(4) direct expenditures incurred while participating in nuclear emergency exercises and drills;

(5) capital equipment used for nuclear emergency training or implementation of nuclear emergency plans including the costs of operating, calibrating, and maintaining the equipment; and

(6) other activities approved by the adjutant general as necessary to develop, maintain and implement an effective nuclear emergency plan, or for the effective administration of the act.

(d) The following costs shall not be eligible for disbursement from the fund:

(1) costs anticipated to be recovered from sources other than the fund including, but not limited to, other agreements with nuclear facilities and grants or contracts with state or federal agencies;

(2) costs of services identified by the adjutant general as unnecessarily duplicative;

(3) other costs identified by the adjutant general as unrelated to the development, maintenance, or implementation of nuclear emergency preparedness plans or programs; and

(4) costs identified by the adjutant general as unnecessary to administer the act. (Authorized by and implementing L. 1993, Chap. 113, Sec. 3; effective, T-56-1-19-94, Jan. 19, 1994; effective March 7, 1994.)

56-3-4. Requests for disbursement. Each state or local government agency requesting dis-

bursement under the provisions of K.A.R. 56-3-3 shall comply with the following requirements. (a) Each request for disbursement shall be submitted to KDEP not later than May 1 of the fiscal year preceding, by two years, the fiscal year for which disbursement is sought, except that requests for disbursement for expenses expected to be incurred during the fiscal year beginning July 1, 1994, shall be submitted not later than March 1, 1994.

(b) Each disbursement request shall contain the following information.

(1) There shall be a proposed budget summary of expenses for which disbursement is requested in a format consistent with the form and nomenclature used by the Kansas department of administration in preparation of the annual state of Kansas budget.

(A) Each line item shall state budget-specifically the goods and services to be provided.

(B) The relationship to nuclear safety and emergency preparedness shall be clearly defined.

(2) There shall be a listing of positions for which disbursement of salaries has been requested.

(A) For each position, a narrative description of the services to be provided shall accompany the request.

(B) The percent of time each position devotes to nuclear safety and emergency preparedness shall be indicated.

(3) There shall be a brief description of the intended use of any capital equipment proposed for purchase.

(4) There shall be a clear delineation of the specific nuclear facility to which expenses shall be allocated.

(c) Each state or local government agency requesting a disbursement shall include the request in that individual agency's or government's budget for consideration by appropriation authorities or as otherwise required by law. Before submission, budget requests to appropriation authorities shall be modified if an amendment or disapproval of any part of the disbursement request is received from the adjutant general.

(d) Each state and local government agency requesting disbursement shall notify the adjutant general of changes to original proposed budgets resulting from the passage of appropriation acts or other governmental action. The deadline for notification is May 1 of the fiscal year preceding the fiscal year to which the budget applies.

(e) Moneys received from the fund by a state or local government agency, either directly or by interagency fund vouchers, shall be deposited into an account dedicated to the receipt and expenditure of fund moneys. Moneys remaining in this account at the end of the fiscal year for which the budget was approved shall be returned to the fund before the last business day of July of the following fiscal year. (Authorized by and implementing L. 1993, Chap. 113, Sec. 3; effective, T-56-1-19-94, Jan. 19, 1994; effective March 7, 1994.)

56-3-5. Notification of budget approvals. Each state and local government agency requesting disbursement, and each producer, shall be notified by the adjutant general of final approval of the annual fund budget according to the following schedule.

(a) On or before July 1 of the fiscal year preceding the fiscal year for which the budget is proposed, each state and local government agency requesting disbursement, and each producer, shall receive written notice from the adjutant general of the total proposed fund budget.

(b) Within 15 days of receipt of written notification of the proposed fund budget, any affected person, agency, or government may provide comment on the proposed budget to the adjutant general for consideration during the preparation of the final fund budget.

(c) On or before August 30 of the fiscal year preceding the fiscal year for which the budget is proposed, each state and local government agency requesting disbursement, and each producer, shall receive notice of final budget approval from the adjutant general, except as provided in subsection (e) of this regulation.

(d) For each fiscal year, except as provided in subsection (e) of this regulation, the final budget approved by the adjutant general shall establish the total annual fee for each nuclear facility affected under the provision of K.A.R. 56-3-2.

(e) Any appropriation act or other government action taken after September 15 of the fiscal year preceding the fiscal year for which the budget is

proposed may change the annual fee. If this occurs, each producer shall receive written notice from the adjutant general before the due date of fee payment.

(f) Each state and local government agency requesting disbursement for expenses to be incurred during the fiscal year beginning July 1, 1994, and each producer subject to fee liability for the fiscal year beginning July 1, 1994, shall receive written notice from the adjutant general of the total fund budget proposed not later than March 1, 1994. Notice of final fund budget approval for the fiscal year beginning July 1, 1994, shall be provided to each affected party within 30 days of the close of the comment period authorized by subsection (b) of this regulation. (Authorized by and implementing L. 1993, Chap. 113, Sec. 3; effective, T-56-1-19-94, Jan. 19, 1994; effective March 7, 1994.)

56-3-6. Direct reimbursement. (a) Any state or local government agency incurring unanticipated expenses that could not have been reasonably foreseen and included in budget requests may seek direct reimbursement from the adjutant general.

(b) Each of these requests shall be considered and acted upon in a timely manner if:

(1) The expenses for which direct reimbursement is sought would have been eligible for prior disbursement under the provisions of K.A.R. 56-3-3;

(2) adequate moneys are available in the fund; and

(3) reimbursement of these expenses will not violate any expenditure limitations imposed upon fund expenses.

(c) The expenses for which direct reimbursement is sought shall be approved by the adjutant general before the actual expenditure of funds by the state or local government agency. (Authorized by and implementing L. 1993, Chap. 113, Sec. 3; effective, T-56-1-19-94, Jan. 19, 1994; effective March 7, 1994.)